

EXECUTIVE OFFICER SUMMARY REPORT
September 8, 2004

ITEM: 15

SUBJECT: **PUBLIC HEARING (if requested):** Rescission of NPDES requirements and enforcement order for discharges of treated sewage at US Marine Corps Base, Camp Pendleton, to the Santa Margarita River watershed that have been terminated:

a) **Rescission of NPDES Requirements** for discharges from Wastewater Treatment Facility Nos. 1, 2, 3, and 13 (Headquarters, San Luis Rey, Chappo, and Twin Lakes):

1. Order No. 99-55, NPDES No. CA0108961, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 1 (Headquarters Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County;*
2. Order No. 99-56, NPDES No. CA0108979, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 2 (San Luis Rey Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County;*
3. Order No. 99-57, NPDES No. CA0108987, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 3 (Chappo Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County; and*
4. Order No. 99-59, NPDES No. CA0109002, *Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Facility No. 13 (Twin Lakes Plant) Discharging Treated Waste into the Santa Margarita River Watershed San Diego County.*

b) **Rescission of Order No. 99-41, Cease and Desist Order** establishing interim effluent limitations and a time schedule to comply with the waste discharge requirements contained in the four (4) orders listed in subdivision a), above. (**This action**

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requires approval by a majority of the membership of the Regional Board, i.e., 5 members. [W.C. 13306.]

(Tentative Order No. R9-2004-0276) (*Charles Cheng*)

PURPOSE:

To consider adoption of tentative Order No. R9-2004-0276, which would rescind NPDES Order Nos. 99-55, 99-56, 99-57, and 99-59, respectively, and Cease and Desist Order No. 99-41 for wastewater treatment plant Nos. 1, 2, 3, and 13, United States Marine Corps, Camp Pendleton.

PUBLIC NOTICE:

A newspaper notice regarding tentative Order No. R9-2004-0276 was published in the North County Times on August 8, 2004. A copy of tentative Order No. R9-2004-0276 was e-mailed and sent to the discharger (via certified mail) and all interested parties on August 6, 2004, and made available at the Regional Board office for review thereafter (Attachment 2).

DISCUSSION:

On August 13, 2003, this Regional Board adopted NPDES Order No. R9-2003-0155, NPDES permit No. CA0109347, "*Waste Discharge Requirements for the United States Marine Corps Camp Pendleton Wastewater Treatment Plant Nos. 1, 2, 3, & 13 Discharge to the Pacific Ocean via the Oceanside Ocean Outfall, San Diego County*". Order No. R9-2003-0155 establishes requirements for ocean disposal of up to 4.93 million gallons per day of secondary treated wastewater from the above four sewage treatment facilities to the Pacific Ocean.

On September 3, 2003, the United States Marine Corps Base Camp Pendleton terminated all discharges from Plant Nos. 1, 2, 3 and 13 to the Santa Margarita River (SMR) and commenced discharging secondary treated effluent from these plants to the Pacific Ocean via the City of Oceanside's ocean outfall (OOO).

With the adoption of Order No. R9-2003-0155, Order Nos. 99-55, 99-56, 99-57, and 99-59, which were issued to regulate discharges from the above four mentioned treatment plants to the Santa Margarita River, are not to be renewed and expire on September 8, 2004. Although rescission of expired NPDES permits is not absolutely necessary, we believe that formal rescission of these Orders is needed in this case to make it clear that they are no longer active. Thus, if the U.S. Marine Corps Base, Camp Pendleton wishes to discharge to the Santa Margarita River in the future, a new Report of Waste Discharge will need to be filed with the Regional Board and a new NPDES permit will need to be adopted by the Regional Board prior to initiation of discharges.

Accordingly, Cease and Desist Order No. 99-41, which covers effluent violations of the above four 1999 Orders, is no longer necessary or relevant. Unlike NPDES permits, cease and desist orders do require rescission by a majority of the Regional Board.

Thus, tentative Order No. R9-2004-0276, if adopted, would rescind NPDES Order Nos. 99-55, 99-56, 99-57, 99-59 and Cease and Desist Order No. 99-41. Camp Pendleton has expressed their concurrence with the tentative rescission order. No additional comments have been received to date.

KEY ISSUES:

1. Camp Pendleton terminated discharges to the SMR and began discharging to the OOO on September 3, 2003.
2. Camp Pendleton will need to apply for a new NPDES permit(s) if they decide to discharge to the SMR in the future.

LEGAL CONCERNS:

None.

COMPLIANCE RECORD:

In the past, there have been numerous and chronic violations of these four SMR NPDES permits, which resulted in the issuance of CDO No. 99-41. With the termination of discharges to the SMR, all violations are eliminated.

SUPPORTING DOCS:

- 1) Map showing the locations of the four wastewater treatment plants with respect to the Santa Margarita River.
- 2) Tentative Order No. R9-2004-0276, with transmittal letter.

SIGNIFICANT CHANGES:

None.

RECOMMENDATION:

Adoption of tentative rescission Order No. R9-2004-0276 is recommended.